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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,047	01/08/2002	James C. Colson	AUS920010709US1	4470
7590 DILLION & YUDELL LLP 8911 NORHT CAPITAL OF TEXAS HIGHWAY SUITE 2110 AUSTIN, TX 78759			EXAMINER HANNE, SARA M	
		ART UNIT 2179	PAPER NUMBER	
		MAIL DATE 10/03/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/042,047	COLSON ET AL.	
	Examiner	Art Unit	
	Sara M. Hanne	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6-8,10,12-16,18-23,25-31,33-39,41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6-8,10,12-16,18-23,25-31,33-39,41 and 42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 7/13/07 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 7/13/07 has been entered.

2. This action is responsive to the amendment received on July 13, 2007. Claims 1-4, 6-8, 10, 12-16, 18-23, 25-31, 33-39 and 41-42 are pending in the application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6, 12 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to support a "agreement to pay a fee" for display of "only a non-text image". If the term "non-text" is

inclusive in the definition of image, then the recitation of "non-text" in the claims is repetitive. However the examiner feels that "non-text" is further limiting the claims. There may be an image of text, for example in the case of a screen shot. The specification does not teach distinguishing an image from a non-text image, and therefore it is unclear what the intent is of this limitation. The examiner notes that the board has affirmed the examiner on this rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. As in Claims 1-2, 6-8, 12-14, 18-20, 22, 25-28, 30, 33-36, 38 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoone et al., US Patent Application Publication 2004/0107356, and further in view of Nicolas et al., US Patent 6593944, hereinafter Nicolas.

As in Independent Claims 1, 13, 19, 27 and 35, Shamoone teaches a method, system and computer program product for requesting a single web page's content from a network content server (Par. 311, 386), displaying on the user device multiple options from a billing server (Par. 320, 329, 443) to a single user of the user device to view the single web page's content for a price (Par. 475), wherein each option has a different price based on how many ads are displayed (Shamoone teaches display for free, zero dollars, or for a price, X dollars based on viewing with or without ads) selecting, by the single user at the user device, an option (Par. 476), receiving, at the user device, a requested content from the single web page according to the selected option wherein the requested content excludes advertising banners (Par. 358 and 468) and displaying on the user device the requested content from the single web page (Par. 475, 476, and example in Par. 522). While Shamoone discloses requesting a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page (See Claim 1 rejection *supra*) and the appliance which displays the web page to be "any computing device" such as a PC (Par. 247), they fail to clearly teach each option based on how many banners are excluded from the original web page content, the web page content displayed on a PDA having a limited sized display as recited in

the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Shamo. Nicolas further teaches each option based on how many banners (Col. 11, lines 28-30 where the user can choose whether to display all frames or display one frame) are excluded from the original web page content (Col. 2, lines 43-45), the web page content displayed on a PDA having a limited sized display (Col. 2, lines 46-47). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamo and Nicolas before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamo to include the options based on how many banners are excluded from the original web page content PDA implementation of Nicolas, in order to obtain PDA access and retrieval of portions of a webpage selectable according to pricing options based on how many ad banners are excluded from the original page's content. One would have been motivated to make such a combination because a billable Internet interface to optionally charge for web page access for minimizing the amount of data presented due to limited space would have been obtained, as taught by Nicolas (Col. 1, line 53 et seq.).

As in Independent Claim 7, Shamo teaches a system comprising means for requesting a single web page's content from a network content server (Par. 311, 386), means for displaying on the user device multiple options from a billing server (Par. 320, 329, 443) to a single user of the user device to view the single web page's content for a price (Par. 475), wherein each option has a different price a time sensitivity of data in

the single web page's content (Par. 287) means for selecting, by the single user at the user device, an option (Par. 476), means for receiving, at the user device, a requested content from the single web page and according to the selected option wherein the requested content is less than all of the web page's content (Par. 358 and 468) and means for displaying on the user device the requested content from the single web page (Par. 475, 476, and example in Par. 522). While Shamoons discloses requesting a single web page, different price based on time sensitivity of data in at least a portion of the single web page's content, they fail to clearly teach the web page content displayed on a PDA having a limited sized display as recited in the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Shamoons. Nicolas further teaches the web page content displayed on a PDA having a limited sized display (Col. 2, lines 46-47). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoons and Nicolas before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoons PDA implementation of Nicolas, in order to obtain PDA access and retrieval of portions of a webpage selectable according to pricing options based on the time sensitivity of a portion of the page's content. One would have been motivated to make such a combination because a billable Internet interface to optionally charge for web page access for minimizing the amount of data presented due to limited space would have been obtained, as taught by Nicolas (Col. 1, line 53 et seq.).

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As for Claims 2, 8, 14, 20, 28 and 36, While Shamo and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options as seen in the independent claims, they fail to explicitly teach a slider bar to vary the selected options as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use a slider bar for selection of options on a display as opposed to single option selection. One would have been motivated to make such a combination because a keyboard arrow input selection method when a mouse is not available would have been obtained.

As in Claims 6, 12 and 18, Shamo teaches an agreement to pay a fee causes the display of only a non-text image from the single web page's content (multimedia stream is an image, as for the fee, Par. 349, et seq.).

As in Claims 22, 30 and 38, Shamo teaches multiple options are defined by a non-URL descriptive portion of a script header to the web page content (Par. 454 et seq. and Figures 2, 7 with corresponding text).

As in Claims 25, 33 and 41, Shamo teaches the network content server is on the Internet (Par. 311).

As in Claims 26, 34 and 42, Shamo teaches the billing server and the network content server are a same device (Par. 352 and 443).

6. Claims 3-4, 10, 15-16, 21, 29, and 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamo et al., US Patent Publication 2004/0107356, Nicolas

et al., US Patent 6593944, hereinafter Nicolas and further in view of Dalzell et al., US Patent Application Publication 20030204447.

As in Claims 3, 9, 15, 21, 29, and 37, Shamoons and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options (See rejection of Independent Claims supra). While Shamoons and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options, they fail to show the options are further based on the age of the content as recited in the claims. In the same field of the invention, Dalzell teaches a option based selection system similar to that of Shamoons and Nicolas. In addition, Dalzell further teaches the options are further based on the age of the content (Par. 71). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoons and Nicolas and Dalzell before him at the time the invention was made, to modify the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options taught by Shamoons and Nicolas to include the options are further based on the age of the content of Dalzell, in order to obtain teach the PDA implementation of requesting web page content, displaying multiple priced options based on the age of the content and the user selecting and receiving one of the options. One would have been motivated to make such a combination because it would provide enhanced capability of assisting potential buyers in efficiently locating marketplace listings for a particular product would have been obtained, as taught by Dalzell, (par. 13).

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As in Claims 4, 10, and 16 While Shamoond, Dalzell and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options based on age and the user selecting and receiving one of the options as seen in the independent claims, they fail to explicitly teach a slider bar to vary the selected options as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use a slider bar for selection of options on a display as opposed to single option selection. One would have been motivated to make such a combination because a keyboard arrow input selection method when a mouse is not available would have been obtained.

7. Claims 23, 31 and 39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoond et al., US Patent Publication 2004/0107356, Nicolas et al., US Patent 6593944, hereinafter Nicolas and further in view of Mitchell, US Patent 6701350.

Shamoond and Nicolas teach a script in the header and parsing the script from the script header to generate at the PDA a display of the multiple options (Par. 76 et seq.). Shamoond and Nicolas fail to teach XML as recited in the claims. In the same field of the invention, Mitchell teaches a web page display mechanism similar to that of and Nicolas. In addition, Mitchell further teaches an XML script in the header and parsing the script from the script header to generate at the user device a display of the multiple options (Col. 2, line 60 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoond, Nicolas and Mitchell before him at the time

the invention was made, to modify the requesting of a single web page at a PDA, and according to a parsed header script, generate a display of differently priced options based on excluded ads pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon and Nicolas to include the XML header of Mitchell, in order to obtain implementation of the header execution in order to display different priced options to the user for viewing a portion of web page content. One would have been motivated to make such a combination because a universally accepted, web browser compatible header for the invention would have been obtained, as taught by Mitchell (Col. 2, lines 60 et seq.).

Response to Arguments

Applicant's arguments with respect to claim 1-4, 6-8, 10, 12-16, 18-23, 25-31, 33-39 and 41-42 have been considered but are moot in view of the new ground(s) of rejection.

Amendments discussed over the phone were also found to be anticipated by the prior art listed on the 892.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar fee-based web retrieval systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sara M. Hanne
smh